



CEW/DAC
#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/779,304
First Named Inventor: Sheng-He HUANG
Filing Date: 02/13/2004
Title: Probiotic Therapy of Neonatal Meningitis and Method of Using E. Coli Virulence Determinants

Examiner: Portner, Virginia Allen
Group Art Unit: 1645
Atty's Docket No.: CIP2411A-SHH

Date: 03/19/2007

**Petition for Revival of an Application for Patent
Abandoned Unintentionally Under 37 CFR 1.137(b)**

MS Petition
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450.

The applicant respectfully submits the petition for revival of the above identified application for patent abandoned unintentionally under 37 CFR 1.137(b). The entire delay is unintentional. The following are enclosed for submission of the petition:

1. Form PTO/SB/64
2. Response to Office Action mailed on 5/23/2006 No of Sheets: 3
3. Payment in the amount of US\$750.00 by check. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency from or credit any overpayment to the Deposit Account No.: 502111 (David and Raymond Patent Firm). A duplicate copy of this letter is enclosed.

Please accept the above documents and grant the petition for this immediate application. Thank you for your assistance.

Respectfully submitted,

Raymond Y. Chan
Reg. No.: 37,484
108 N. Ynez Avenue, Suite 128,
Monterey Park, CA 91754.
Tel.: (626) 571-9812/ Fax: (626) 571-9813

Certification of Mailing

I certify that this correspondence is being deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450." on the date below.

Signature:
Person Signing: Raymond Y. Chan

Date: 03/19/2007



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
CIP2411A-SHH

First named inventor: Sheng-He HUANG

Application No.: 10/779,304

Art Unit: 1645

Filed: Int'l:02/13/2004

Examiner: Portner, Virginia Allen

Title: Probiotic Therapy of Neonatal Meningitis and Method of Using E. Coli Virulence Determinants

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

03/23/2007 CNEGA1 00000002 10779304

01 FC:2453

750.00 OF

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of response (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

03/19/2007

Date

Raymond Y. Chan
Typed or printed name

37,484
Registration Number, if applicable

108 N. Ynez Avenue, Suite 128
Address

626-571-9812
Telephone Number

Monterey Park, CA 91754, US
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature
Raymond Y. Chan
Typed or printed name of person signing certificate